

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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IEWC HOLDING CORP.,

Plaintiff,

Case No.: 13-CV-1222

v.

TRAVELERS CASUALTY & SURETY CO.  
OF AMERICA,

Defendant.

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**NOTICE OF REMOVAL**

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**PLEASE TAKE NOTICE** that defendant Travelers Casualty & Surety Co. of America ("Travelers") hereby removes this action from the State of Wisconsin Circuit Court for Waukesha County to the United States District Court for the Eastern District of Wisconsin pursuant to 28 U.S.C. §§ 1332 (diversity), 1441 and 1446, and as and for its short, plain statement of the grounds for removal, respectfully states and alleges as follows:

1. On September 3, 2013, plaintiff IEWC Holdings Corp. ("IEWC") commenced an action against Travelers in the Circuit Court for Waukesha County, Wisconsin, captioned *IEWC Holding Corp. v. Travelers Casualty & Surety Co. of America*, Case No. 13-CV-02050, by filing a Summons and Complaint with the Waukesha County Clerk of Courts – Civil Division, a true and correct copy of which is attached hereto as Exhibit 1.

2. Travelers was formally served with Exhibit 1 on October 15, 2013, but Travelers' counsel first received copies of the Summons and Complaint via email on October 3, 2013, within the meaning of 14 U.S.C. § 1446(b). The time within which Travelers is required to file a

responsive pleading has not yet expired, and Travelers will file its responsive pleading within the time set forth under Fed. R. Civ. P. 81(c). No further proceedings have been had in this action.

3. The complaint filed by IEWC, Exhibit 1, is a civil action of which this court has original jurisdiction under the provisions of Title 28, U.S. §§ 1332 (diversity) and 1441, in that it is a civil action wherein the matter in controversy allegedly exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, as more fully appears from plaintiff's Complaint, (Complaint ¶¶ 9, 13) and is between citizens of different states (Complaint ¶¶ 2, 3).

4. More specifically IEWC is a Wisconsin corporation with its principal place of business located in New Berlin, Wisconsin. (Complaint ¶ 2)

5. Travelers is a Connecticut corporation with its principal place of business located in Hartford, Connecticut. (Complaint ¶ 3)

6. Further, the Complaint alleges damages in excess of \$3,000,000. (Complaint ¶ 13).

7. Removal is timely under 28 U.S.C. § 1446(b) as Travelers first received the Summons and Complaint, Exhibit 1, on October 3, 2013.

8. In accordance with 28 U.S.C. § 1446(d), written notice of removal is being provided to the plaintiff and filed with the Clerk of the Circuit Court for Waukesha County.

Dated this 31<sup>st</sup> day of October, 2013.

/s/ David J. Hanus

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David J. Hanus

State Bar No. 1027901

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Surety Co. of America

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